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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,087	04/02/2004	Bcom-Sik Bac	678-1430	2123

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THE FARRELL LAW FIRM, P.C.  
333 EARLE OVINGTON BOULEVARD  
SUITE 701  
UNIONDALE, NY 11553

EXAMINER
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NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/817,087	<b>Applicant(s)</b> BAE ET AL.	
	<b>Examiner</b> THUAN T. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 32-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### *Remark*

1. Claims 10-31 have been cancelled, and claims 1-9 and 32-44 are pending for examination.

### *Claim Rejections - 35 USC 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 32-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Zou et al. (U.S. Patent No. 6,760,772 B2).

Regarding claim 1, Zou teaches a method for controlling a reverse data rate of packet data in a mobile terminal of a mobile communication system, the method comprising the steps of: determining and updating the status of reverse data rate control factors of the mobile terminal; and transmitting status report information in a reverse direction through predetermined channels, the status report information based on the updated factors (refer to col. 19/line 62 to col. 20/line 22 & col. 26/lines 1-26).

As for claim 2, Zou shows "wherein the reverse data rate control factors include at least one of a buffer indicator indicating an amount of data stored in a buffer of the mobile terminal, a power indicator indicating an amount of available power of the mobile terminal, a rate request

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indicator indicating a reverse data rate required by the mobile terminal, a rate limit indicator indicating if a current data rate of the mobile terminal corresponds to a data rate of a predetermined limit value, and a multiple control indicator indicating if a data rate of the mobile terminal is controlled by two or more base stations” (col. 7/lines 52-67; col. 24/lines 5-40; col. 26/lines 1-26).

For claim 3, Zou shows “wherein the reverse data rate control factors include a power indicator, an increase data rate change indicator, and if the data rate can be increased, the power indicator indicates the number of steps in increasing of the current data rate” (col. 33/lines 42-67).

For claim 4, Zou shows “wherein the reverse data rate control factors include a buffer indicator, and wherein it is determined if increasing, decreasing, or maintaining of the data rate is required based on a value of a current buffer state of the mobile terminal, and when an increase or decrease of the data rate is required, the buffer indicator indicates the number of steps to increase or decrease the data rate” (col. 24/line 62 to col. 25/line 13 for display features including frame rate capability and audio buffer depth etc.).

For claim 5, Zou teaches “wherein the reverse data rate control factors include a power indicator and a buffer indicator, the power indicator indicates the number of steps to increase of current data rate when increasing of the current data rate is possible, and the buffer indicator indicates if an increase or decrease of the data rate is required and the number of steps to increase or decrease the data rate based on a value of a current buffer state of the mobile terminal, the power indicator and the buffer indicator being transmitted together” (claims 3 and 4).

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For claims 6-9, Zou shows “wherein a channel for transmitting the status report information is transmitted over a reverse rate indicator channel”; “wherein a channel for transmitting the status report information is transmitted over a reverse status report channel” and “wherein the reverse data rate control factors include a buffer indicator indicating the amount of data to be transmitted in a reverse direction” and “wherein the buffer indicator indicates an increase or decrease tendency based on the data stored in a buffer” (refer back to col. 23/line 38 to col. 25/line 13).

For claims 32-44, these claims for “a method for controlling a reverse data rate of packet data in a mobile communication system including mobile terminals and base stations, the method comprising the steps of: determining and updating by each of the mobile terminals the status of reverse data rate control factors of each mobile terminal, and transmitting status report information in a reverse direction over predetermined channels, the status report information being configured by the updated factors; b) by each of the base stations, receiving the status report information, generating reverse activity information for each mobile terminal based on the received status report information and the channel and system states, and transmitting the generated reverse activity information to each mobile terminal; and c) changing or maintaining by each of the mobile terminals a current data rate of each mobile terminal based on the reverse activity information” are rejected for the reasons given in the scope of claims 1-9 as disclosed above.

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***Conclusion***

**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to the New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (571) 272-7895. The examiner can normally be reached on Monday-Friday from 10:00 AM to 7:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tony T. Nguyen  
Primary Examiner  
Art Unit 2618

TTN  
November 7, 2007